

1 Rene L. Valladares  
2 Federal Public Defender  
3 Nevada State Bar No. 11479  
4 \*Jeremy C. Baron  
5 Assistant Federal Public Defender  
6 District of Columbia Bar No. 1021801  
7 411 E. Bonneville Ave. Suite 250  
8 Las Vegas, Nevada 89101  
9 (702) 388-6577  
10 jeremy\_baron@fd.org  
11  
12 \*Attorney for Petitioner Reynaldo Agavo

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 Reynaldo Agavo,  
13 Petitioner,  
14 v.  
15 Dwight Neven, et al.,  
16 Respondents.

Case No. 2:13-cv-01741-JCM-DJA

**Unopposed motion for extension of  
time in which to file reply in  
support of petition  
(Third request)**

18 Reynaldo Agavo respectfully moves this Court for an extension of time of  
19 twenty-eight (28) days, from December 20, 2019, to and including January 17, 2020,  
20 in which to file a reply in support of the merits of his second amended petition.  
21  
22  
23  
24  
25  
26  
27

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7

2. Undersigned counsel has continued to review the State's answer and Mr. Agavo's file in an effort to comply with the Court's deadline. However, counsel respectfully suggests additional time is necessary to properly prepare the reply.

4. Undersigned counsel has had many professional obligations in the past weeks, including, among others, an application for a certificate of appealability filed on October 18, 2019, in *Barragan v. Filson*, Case No. 19-16804 (9th Cir.); an out-of-state conference held in Cincinnati, Ohio, on October 24 through 26, 2019; an opposition to a motion to dismiss filed on November 6, 2019, in *Burch v. Baker*, Case No. 2:17-cv-00656-MMD-VCF (D. Nev.); an opposition to a motion to dismiss filed on November 8, 2019, in *Patterson v. Gentry*, Case No. 2:17-cv-02131-JCM-EJY (D. Nev.); an opening brief filed on November 8, 2019, in *Slaughter v. Baker*, Case No. 78760 (Nev. Sup. Ct.); a deposition conducted on November 12, 2019, in San Bernardino, California, in *Sawyer v. Baker*, Case No. 3:16-cv-00627-MMD-WGC (D. Nev.); and a reply on the merits filed on December 6, 2019, in *Matlean v. Williams*, Case No. 3:16-cv-00233-HDM-CLB (D. Nev.). In addition, undersigned counsel was out of the country on vacation from November 19, 2019, to December 3, 2019.

5. Undersigned counsel has many additional professional obligations in the coming weeks, including, among others, a second amended petition due on December 30, 2019, in *Cook v. Baker*, Case No. 3:19-cv-00081-MMD-CLB (D. Nev.); an

1 opening brief due on January 2, 2020, in *Guzman v. Gittere*, Case No. 79519 (Nev.  
2 Sup. Ct.); a reply brief due on January 2, 2020, in *Rosales v. Baker*, Case No. 78735  
3 (Nev. Sup. Ct.); a petition for a writ of certiorari due on January 3, 2020, in *Ramet v.*  
4 *LeGrande*, Case No. 19A573 (U.S. Sup. Ct.); an opposition to a motion to dismiss due  
5 on January 6, 2020, in *Palmer v. Filson*, Case No. 3:18-cv-00245-HDM-CLB (D. Nev.);  
6 an opening brief due on January 10, 2020, in *Palmer v. Gittere*, Case No. 79397 (Nev.  
7 Sup. Ct.); a petition for a writ of certiorari due on February 5, 2020, in *Major v. Baker*,  
8 Case No. 76716 (Nev. Sup. Ct.) (U.S. Sup. Ct. Case No. not yet assigned); an amended  
9 petition due on February 10, 2020, in *Brown v. Baker*, Case No. 3:19-cv-00258-LRH-  
10 WGC (D. Nev.); and an amended petition due on February 13, 2020, in *Cordova v.*  
11 *Baca*, Case No. 3:19-cv-00388-MMD-CLB (D. Nev.), a case for which time remains on  
12 the federal statute of limitations.

13         6.       Therefore, counsel seeks an additional twenty-eight (28) days, up to and  
14 including January 17, 2020, in which to file the reply in support of the petition. This  
15 is undersigned counsel's third request for an extension of time in which to file the  
16 reply in support of the petition.

17         7.       On December 20, 2019, counsel contacted Deputy Solicitor General Jef-  
18 frey M. Conner and informed him of this request for an extension of time. As a matter  
19 of professional courtesy, Mr. Conner had no objection to the request. Mr. Conner's  
20 lack of objection should not be considered as a waiver of any procedural defenses or  
21 statute of limitations challenges, or construed as agreeing with the accuracy of the  
22 representations in this motion.

23         8.       This motion is not filed for the purposes of delay, but in the interests of  
24 justice, as well as in the interest of Mr. Agavo. Counsel for Mr. Agavo respectfully  
25 requests this Court grant the motion and order Mr. Agavo to file the reply in support  
26 of the petition no later than January 17, 2020.

1 Dated December 20, 2019.

2 Respectfully submitted,

3 Rene L. Valladares  
4 Federal Public Defender

5 /s/ Jeremy C. Baron  
6 Jeremy C. Baron  
7 Assistant Federal Public Defender

8  
9  
10 IT IS SO ORDERED:

11  
12 Jerome C. Mahan  
13 United States District Judge

14 Dated: December 20, 2019

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Jeffrey M. Conner.

Reynaldo Agavo  
No. 93976  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070

/s/ Jessica Pillsbury  
An Employee of the  
Federal Public Defender